

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of Review of  
The Emergency Alert System

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EB Docket No. 04-296

**REPLY COMMENTS OF T-MOBILE ON  
FURTHER NOTICE OF PROPOSED RULEMAKING**

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**INTRODUCTION AND SUMMARY**

T-Mobile files this reply in response to the comments in the above-referenced proceeding. Those commenters that addressed the wireless issues the Commission raised in the *FNPRM*<sup>1</sup> broadly agreed that it is essential that the Commission not adopt a mandatory EAS requirement for wireless providers. The technological challenges are serious and unresolved, and the contours of a wireless EAS program are undefined. Nor is a mandate necessary: Even without one, the industry has been working with government entities to develop and test wireless alert mechanisms. The Commission's goal should be to support those efforts by ensuring that carriers are free to use any variety of technological solutions to provide wireless alerts, and that they will have liability protection if they do so. Furthermore, the agency should begin to consider means for wireless carriers to recover the enormous network and handset costs that likely will be involved in transitioning to be able to provide any type of EAS services.

While a handful of comments support adoption of a mandatory wireless EAS requirement, these mostly boil down to uncontroversial statements that wireless has a role to play in EAS and may provide a critical supplement to existing services in some instances. None

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<sup>1</sup> First Report and Order and Further Notice of Proposed Rulemaking, *Review of the Emergency Alert System*, EB Docket No. 04-296, FCC 05-191 ¶ 69 (rel. Nov. 3, 2005).

grapple with the specific technological challenges wireless carriers face in providing alerts or the costs that would be incurred to implement EAS. The sort of empty mandate they propose will do more harm than good. It would not serve the public interest to impose a potentially substantial and utterly undefined burden on providers whose services *already* play a critical role in emergency communications. Instead, the Commission can best serve the important goal of updating and expanding EAS by encouraging and supporting wireless participation, while making some of the other key changes addressed in the *FNPRM* and the comments submitted.

## **DISCUSSION**

### **I. WIRELESS PARTICIPATION IN EAS MUST BE VOLUNTARY.**

There is no question that wireless has a role to play in emergency communications. It already does so today: Wireless serves as a primary means of communication in various emergency situations; wireless E-911 service is increasingly ubiquitous; and wireless carriers provide government agencies with priority spectrum access for their own public safety communications through the wireless Priority Access Service (“WPS”).<sup>2</sup> In addition, as many commenters detailed, wireless providers have begun working with various government entities to explore means of providing emergency alerts. These voluntary efforts include the wireless AMBER Alerts initiative; the Federal Emergency Management Agency’s (“FEMA’s”) wireless emergency alert service; and various local emergency alert services.<sup>3</sup> The industry also has

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<sup>2</sup> See, e.g., Second Report and Order, *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, 15 FCC Rcd 16720, 16721 ¶ 2 (2000).

<sup>3</sup> See e.g., Comments of Cingular Wireless LLC at 4-5 (“Comments of Cingular”); Comments of CTIA – The Wireless Association at 1-4 (“Comments of CTIA”); Comments of Sprint Nextel Corp. at 8, 11-13 (“Comments of Sprint Nextel”); Comments of T-Mobile USA, Inc. at 6-10 (“Comments of T-Mobile”).

begun researching technological solutions that might facilitate different types of wireless alerts.<sup>4</sup>

An EAS mandate for the wireless industry thus is unnecessary.<sup>5</sup> More than that, it could be affirmatively harmful. There are too many unanswered questions about the role wireless *should* play in supplementing existing EAS services (while continuing to provide other emergency communications services); the role it *can* play given technological limitations and challenges; and the costs of implementing the network and handset equipment or software that would be necessary to provide any wide scale alert service.

Specifically, as the comments show, it is not yet clear how government (and the public) could most effectively utilize wireless alerts in the EAS system. Wireless would be a *supplement* to pre-existing EAS services, and it is quite different from the other, fixed, broadcast services that comprise the core of the traditional emergency alert system. Even if wireless *could* be another “me too” alert system, it might be far more valuable to use wireless alerts for more unique and discrete purposes such as serving certain user groups or specific local needs, or transmitting only certain types of messages or in a specific category of emergencies. The industry and government have not had enough time to explore these questions. There also are unanswered questions about how government would transmit alerts to wireless carriers, since the existing alert system is broadcast-station focused. Even basic issues remain unresolved, such as

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<sup>4</sup> See e.g., Comments of T-Mobile at 9-10 (noting T-Mobile’s involvement in various wireless industry efforts, including those of 3G Americas, to explore technological issues associated with the wireless provision of EAS messages); see also, e.g., Comments of CTIA at 2-5 (highlighting wireless industry emergency alert efforts); Comments of Cingular at 4.

<sup>5</sup> Indeed, these comments belie USA Mobility’s assertion that, in the absence of a mandate, “[i]t is unreasonable to expect the necessary degree of engagement and investment.” Comments of USA Mobility, Inc. at 11 (“Comments of USA Mobility”). To the contrary, long before this proceeding even was initiated, the industry was actively pursuing means of expanding the emergency services it provides, including alert services.

who in the government would be authorized to initiate a wireless EAS alert and how carriers could authenticate an alert; how alerts would be transmitted to all wireless carriers notwithstanding their different technologies; and how large alert messages could be.<sup>6</sup>

Wireless providers also must overcome fundamental technological hurdles to provide emergency alerts in any meaningful way.<sup>7</sup> As T-Mobile and others explained, wireless systems are built on a point-to-point model, not the point-to-multipoint model that characterizes broadcast, cable, and satellite systems, all of which are designed specifically to disseminate information from a central point to multiple recipients. No technological solution exists today that would allow a point-to-point wireless system to effectively send an EAS alert to a broad group of subscribers. As the record shows, each of the potential technological solutions has significant limitations. For example, as the record makes clear, SMS messages cannot be directed to geographically specific areas and are limited in length.<sup>8</sup> SMS capacity also is limited by existing signaling networks; as some commenters note, large-scale SMS emergency transmissions could cause significant network congestion for first responders and the general public.<sup>9</sup> Though SMS has been successful in a discrete initiative like Amber Alerts serving a small group of self-selected users, that success would not be duplicated with respect to an alert

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<sup>6</sup> See Comments of Cingular at 10-11; Comments of Ericsson Inc. at 8 (“Comments of Ericsson”).

<sup>7</sup> See, e.g., Comments of Cingular at 7-10; Comments of CTIA at 2-4; Comments of Rural Cellular Association at 5-7 (“Comments of RCA”); Comments of Sprint Nextel at 12-14; Comments of T-Mobile at 8-12, 19-20.

<sup>8</sup> Comments of T-Mobile at 19-20; Comments of Cingular at 7-8; Comments of CTIA at 2-3; Comments of RCA at 6-7.

<sup>9</sup> Comments of T-Mobile at 20; Comments of Cingular at 7; Comments of CTIA at 3; Comments of RCA at 6-8.

provided to many more (or all) subscribers in a broad geographic area.<sup>10</sup> As the record shows, an SMS-based EAS message that must be sent to all subscribers nationwide could take *hours* to reach all recipients, and even a broad regional message would be extremely time-consuming.<sup>11</sup>

The record similarly details serious issues with point-to-multipoint “broadcast” solutions for wireless alerts. These, too, may have message length limitations, and cannot be viewed while an end-user is on the phone.<sup>12</sup> Further, as Cingular notes, reassigning wireless channels to accommodate point-to-multipoint broadcast solutions would reduce capacity for ordinary voice and text services, which could create its own public safety communications problem even while supposedly solving another.<sup>13</sup> On top of this, the technology is new and has not been commercially implemented anywhere in the United States; upgrading networks and handsets to

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<sup>10</sup> As Sprint Nextel notes, “[p]art of the reason for the success of AMBER Alerts to date is the fact that participation is voluntary and on an opt-in basis. Wireless carriers are able to augment their networks rationally to respond to areas where demand for the service is high.” Even so, control channel capacity has been a major issue in AMBER Alerts. Comments of Sprint Nextel at 13.

<sup>11</sup> Comments of T-Mobile at 20; *see also* Comments of CTIA at 3 (noting that wireless systems are designed to serve only a percentage of their subscriber base at any given time, and simultaneous transmission of hundreds of thousands or millions of text messages would cause severe congestion and delay delivery). Ericsson recognizes these limitations, *see* Comments of Ericsson at 5, but then suggests that the Commission adopt SMS as an interim wireless EAS standard. Given the record and Ericsson’s own statements, that outcome would be not only illogical but entirely indefensible; the Commission cannot adopt a requirement that carriers use an EAS technology that is demonstrably incapable of providing EAS on any broad scale.

<sup>12</sup> Comments of T-Mobile at 20; Comments of RCA at 7; Comments of Cingular at 9.

<sup>13</sup> Comments of Cingular at 10 (noting that capacity could drop by 12.5-25%); *see also* Comments of CTIA at 4 (noting that point-to-multipoint solutions could create additional capacity concerns).

accommodate a broadcast-based wireless EAS system would be costly and would involve a substantial amount of time.<sup>14</sup>

Various solutions proposed by some commenters have even more serious limitations. For example, Ericsson touts its Multimedia Broadcast/Multicast Service (“MBMS”) as the best solution for enhanced EAS, including wireless EAS. But Ericsson admits that its MBMS technology is not in place and in fact will not be ready for at least five years.<sup>15</sup> Further, Ericsson acknowledges that its solution would require “full handset exchange.”<sup>16</sup> Leaving aside how costly such an endeavor would be, an issue Ericsson fails to address in a meaningful way, Ericsson’s solution also would have significant implementation challenges. As past experience dictates, consumers are not eager to replace existing handsets, and the process can be painful and slow.<sup>17</sup> Thus, MBMS is hardly a magical, nor near-term, EAS solution for wireless.

Rural Cellular Association’s (“RCA’s”) suggestion that providers could offer EAS using handsets that incorporate commercial radios to receive EAS broadcasts is equally infeasible.<sup>18</sup> Handsets on the market typically do not include that capacity today, so RCA’s solution is yet another that would require wholesale replacement. Further, this technology would work to transmit EAS alerts only if the user is tuned in and listening to the station broadcasting the EAS alert. The NOAA Weather Radio technology, which provides similar functionality, is also not

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<sup>14</sup> Comments of T-Mobile at 20; Comments of Cingular at 9-10; Comments of CTIA at 4; Comments of RCA at 7;

<sup>15</sup> Comments of Ericsson at 2, 6-7.

<sup>16</sup> *Id.* at 7.

<sup>17</sup> *See, e.g.*, Comments of T-Mobile at 5-6 (citing E-911 handset replacement experience as counseling against overly optimistic timelines for replacement via normal market forces).

<sup>18</sup> Comments of RCA at 8-10.

available for handsets today. Deployment of that technology, even if and when available, would require substantial time and would be very costly. Such technology also faces specific challenges in the wireless context, including battery consumption, antenna configuration in small form factor handsets, alerting and tuning to the proper frequency.<sup>19</sup>

Indeed, *none* of the relevant technologies or the required enhancements have been tested in any wide-spread, real-world emergency alert situations. And all of them would require significant network upgrades and equipment, software, and handset replacements. This means both that wireless participation in EAS will be extremely expensive and that it will take time before it can become a reality on any broad scale.

Adopting a binding requirement or binding technical rules thus makes no sense. It would short circuit technological innovation that may produce a panoply of different EAS solutions, and it would expose wireless carriers to enormous and ultimately indefensible costs and burdens. In addition, a mandate would encumber the wireless spectrum and mobile devices that must be available to first responders and the public for other communications in the immediate aftermath of an emergency. For all these reasons, as almost all commenters agree, it makes no sense to impose a wireless EAS mandate or to adopt technical requirements for wireless EAS.<sup>20</sup> Wireless EAS should be voluntary, and the Commission should commit itself to supporting the industry as it continues to take steps to provide an array of alert services.

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<sup>19</sup> Azos's proposal that wireless EAS could be provided using Azos's "intelligent reception" technology is especially unrealistic. Comments of Azos AI, LLC at 2. Azos's comments do not even address whether its proprietary technology allegedly solves the particular challenges CMRS carriers face; instead, it simply asserts that the Commission should adopt it.

<sup>20</sup> See, e.g., Comments of T-Mobile at 10-13, 18-19, 21; Comments of Cingular at ii, 3-4, 10; Comments of CTIA at 7-9; Comments of Sprint Nextel at 2-4, 11-12, 14-15; Comments of Ericsson at 2, 9; Comments of Airt2me, Inc. at 2 ("Comments of Airt2me").

## II. PROPONENTS OF A WIRELESS EAS MANDATE FAIL TO ADDRESS THE CHALLENGES INVOLVED.

To be sure, a few commenters suggest that the Commission *should* adopt wireless EAS requirements. Some of these contain no discussion or analysis at all, but instead seem to be suggesting nothing more than that wireless could offer important alert capabilities.<sup>21</sup> That is indisputable, yet beside the point: The question is whether the Commission must mandate those capabilities or permit the industry and government entities to develop that answer cooperatively.

USA Mobility's support for a wireless EAS mandate is equally misguided. In an effort to promote paging services, USA Mobility advocates an EAS requirement that would bind *all* wireless carriers.<sup>22</sup> But this approach is grounded in USA Mobility's erroneous assertion that wireless pursuit of EAS capabilities will not occur in the absence of binding Commission rules. As noted above and as the record makes clear, that is not the case at all. Further, USA Mobility's system is satellite-based and operates on a point-to-multipoint basis; it does not face the same technological constraints as CMRS carriers do.

In any event, even USA Mobility seems concerned that there are unresolved technological issues: It notes that it will be necessary to devise some type of "efficient system architecture"<sup>23</sup> for wireless EAS and suggests that the Commission convene a "technical working group" to resolve such issues.<sup>24</sup> It is thus unclear what USA Mobility thinks the

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<sup>21</sup> See, e.g., Comments of Alert Systems, Inc. at 3; Comments of National Cable and Telecommunications Association at 3 ("Comments of NCTA"); Comments of American Association of Paging Carriers at 4.

<sup>22</sup> Comments of USA Mobility at 2, 10-11.

<sup>23</sup> *Id.* at 10.

<sup>24</sup> *Id.* at 12.

contours of a wireless EAS mandate would be today — and it offers no evidence that *any* wireless carrier could meet any mandate. It also is unclear how USA Mobility thinks carriers would finance their efforts to do so: Rather than address this issue, USA Mobility wishes it away, suggesting that the Commission adopt a solution that does “not require service providers to replace existing network equipment or require consumers to replace existing devices.”<sup>25</sup> In short, USA Mobility provides neither detail nor a basis for an FCC wireless EAS mandate.

The same is true with respect to Airt2me’s proposal that the FCC adopt a rule that *if* a wireless carrier provides any EAS, it must provide *all* EAS.<sup>26</sup> That is clearly counter to the public interest at this time, because it will dissuade wireless carriers from experimenting with *any* EAS capabilities until and unless they are capable of providing the service in full, whatever “full” wireless EAS participation means.<sup>27</sup> RCA’s suggestion suffers from similar infirmities: It argues that *once* technical standards are adopted for wireless EAS, the FCC should give carriers a deadline to opt in to that specific system; carriers who do not must disclose this to their customers.<sup>28</sup> But RCA does not explain how all carriers will be able to adapt their systems to some uniform technological standard in a discrete time period,<sup>29</sup> address the costs involved in

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<sup>25</sup> *Id.* at 10.

<sup>26</sup> Airt2me at 4.

<sup>27</sup> It also runs contrary to past FCC practice in the context of WPS: The FCC willingly provided waivers to carriers who could not comply with all the rules right away but still wished to provide valuable WPS service to emergency personnel. *See* Comments of T-Mobile at 13 & n.17.

<sup>28</sup> Comments of RCA at 5.

<sup>29</sup> Comments of T-Mobile at 19-21 (noting that it is too early to adopt a particular technological solution for wireless EAS, there is no basis for the Commission to prefer any one solution over others at this time, and there is no basis to know what solution or combination of solutions will ultimately prove effective and for which EAS needs).

doing so, or explain why it would make sense to penalize carriers for using different technologies and thus not opting into the FCC's particular standard. In fact, the public interest supports encouraging carriers to experiment with a range of various EAS technologies, as T-Mobile and others have been doing.

While the disabilities community also expresses support for mandatory wireless EAS participation, its argument seems simply to be that wireless has much to offer in that regard.<sup>30</sup> The general notion that wireless providers should be able to provide unique alternatives to the disabled is uncontroversial, but this does not mean that it would be reasonable at this point for the FCC to mandate such services. Indeed, even TFT, a proponent of wireless provision of EAS to the disabled, acknowledges that technical challenges lie ahead, and that it will take several years before EAS equipment can perform the necessary tasks.<sup>31</sup> In any event, it makes no sense to adopt requirements for unique wireless EAS services to accommodate consumers with disabilities before the wireless industry has devised a means of providing *any* EAS service.<sup>32</sup>

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<sup>30</sup> See generally Comments of Rehabilitation Engineering Research Center on Mobile Technologies for Persons with Disabilities ("Comments of Wireless RERC"); Comments of Telecommunications for the Deaf and Hard of Hearing Inc., et al.

<sup>31</sup> Comments of TFT, Inc. at 4, 10.

<sup>32</sup> See Comments of T-Mobile at 18. Further, almost all commenters agreed that the Commission should encourage rather than mandate requirements that EAS services accommodate disabilities at this time, because there are technological and other constraints that would first have to be resolved. For example, most EAS participants are not able to transcribe oral messages into text. Thus, the only practicable means of ensuring access for the hearing impaired would be for the government message itself to include such text. See, e.g., Comments of the Association for Maximum Service Television at 10-12; Comments of the Society of Broadcast Engineers at 21-27 ("Comments of SBE"); Comments of NCTA at 3.

### III. THE COMMISSION SHOULD TAKE STEPS THAT ENCOURAGE AND SUPPORT THE DEVELOPMENT OF WIRELESS EAS.

The Commission should adopt measures that will *encourage* the development of wireless EAS technologies and the provision of wireless alerts by wireless carriers.<sup>33</sup> As the record shows, there are several steps the Commission should take in this regard: First, the Commission should work with industry and other government entities to identify the goals for and capabilities of wireless emergency communications.<sup>34</sup> It should establish a standardized messaging protocol such as the Common Alerting Protocol (“CAP”), so that carriers and manufacturers across the industry can have a messaging standard they can use for developing equipment and systems — something nearly *all* commenters support.<sup>35</sup> And some overarching modifications to EAS would encourage participation by providers of all types. This includes, perhaps most critically, revising the EAS rules to accommodate local concerns, which clearly must be done — while establishing

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<sup>33</sup> See, e.g., Comments of Airt2me at 5 (arguing that the Commission should take a “measured” approach that allows for flexibility); Comments of Sprint Nextel at 14-15 (noting that carriers should have flexibility to choose technologies they will use to provide alerts on a voluntary basis).

<sup>34</sup> See, e.g., Comments of Airt2me at 2 (noting that providers and local governments should be given an opportunity to work together to design systems that meet particular needs); Comments of BellSouth Entertainment, LLC at 3 (“Comments of BellSouth”) (urging the FCC to continue working cooperatively with FEMA, DHS, and others to study EAS further so that “a meaningful industry consensus on the relevant technical issues can be achieved”); Comments of CTIA at 7-8 (noting that government and industry should work together to facilitate the development and deployment of EAS); Comments of The National Public Safety Telecommunications Council at 1-2, 5, 8 (“Comments of NPSTC”) (urging the FCC to work toward an enhanced EAS by working with federal agencies, industry, and state and local governments); Comments of Sprint Nextel at 3 (noting that the FCC, other governmental agencies, and the industry should work together in creating requirements for a more comprehensive alert system).

<sup>35</sup> See, e.g., Comments of T-Mobile at 17; Comments of Airt2me at 4; Comments of Cox Broadcasting, Inc. at 2; Comments of Harris Corp. at 5-6; Comments of Wireless RERC at 4; Comments of SBE at 11-15.

centralized oversight and coordination.<sup>36</sup> As many commenters noted, the Commission must ensure that the activities of different government bodies and jurisdictions can be coordinated and providers can have a single point of contact as well as clear guidance regarding protocols and requirements.<sup>37</sup> NCS or some part of the Department of Homeland Security (“DHS”) should be at the helm of this effort, working closely with the FCC.<sup>38</sup>

There also are two essential steps the Commission must take to facilitate wireless carrier participation in EAS: First, it must make clear that wireless carriers will be permitted to recover their costs of EAS service, through government support, end-user fees, or some other mechanism. The Commission cannot impose broad new requirements without ensuring cost recovery. In asking wireless carriers to step up and provide EAS alerts to enhance public safety,

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<sup>36</sup> See, e.g., Comments of BellSouth at 2 (urging the FCC to maintain clear federal EAS rules and policies, so that operators are not forced to comply with decentralized and inconsistent state and local requirements); Comments of The Named State Broadcasters Associations at 14 (“Comments of The State Associations”) (urging the FCC to increase awareness of EAS among state and local leaders and emergency managers); Comments of RadioShack Corp. at 7-8 (supporting improved connectivity between federal, state, and local governments); Comments of Sprint Nextel at 6-7 (noting that the alert system must include state and local alerts, and that a centralized alerting authority and federal preemption are necessary to avoid conflicting state requirements); Comments of XM Radio Inc. at 5-7 (advocating the establishment of a clearinghouse for state and local emergency alert messages).

<sup>37</sup> See, e.g., Comments of T-Mobile at 14-16 (advocating for central EAS administration and arguing that NCS is uniquely suited for that role, with the FCC playing a significant role as well); Comments of The Association of Public Television Stations at 2 (“Comments of APTS”) (arguing that DHS, working closely with the FCC, should play a central role in managing EAS); Comments of NCTA at 6-8 (arguing for a fully integrated and centralized national EAS with all alerts issued under one government-led system); Comments of SBE at 20, 27 (advocating the use of a federal agency to manage and coordinate responsibilities for warnings, including EAS); Comments of Sprint Nextel at 6-7 (advocating a central alerting authority).

<sup>38</sup> See Comments of APTS at 2 (arguing that DHS, working closely with the FCC, should play a central role in managing EAS); Comments of T-Mobile at 14-16 (arguing NCS should administer EAS, with FCC involvement).

the FCC, and government generally, must be prepared to ensure that the enormous costs and burdens of providing such alerts are reasonable and do not unfairly burden some or all wireless participants.<sup>39</sup> Even USA Mobility acknowledges that a wireless EAS system will come at a significant cost and will require “significant up-front investment of resources by industry and government.”<sup>40</sup> Commenters in other industries similarly recognize that the Commission cannot require massive upgrades and expansions of EAS without considering the costs, and emphasize that EAS should not be an unfunded mandate.<sup>41</sup>

Second, the FCC must adopt rules that limit the liability of wireless carriers that participate in EAS. As T-Mobile and others have emphasized, wireless provision of EAS alerts will, at times, prove imperfect.<sup>42</sup> The Commission cannot ask wireless carriers to undertake the enormous burden of transitioning their systems to provide EAS alerts to benefit the public without the guarantee that doing so will not subject them to liability when a particular message fails to transmit 100% effectively. Thus, as all who commented on this issue agree, wireless

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<sup>39</sup> Comments of T-Mobile at 23; *see also* Comments of CTIA at 5, 8 (urging government funding for research, development, and implementation of wireless EAS); Comments of Cingular at 12-13 (urging cost recovery mechanisms for carriers); Comments of Ericsson at 7-8 (urging the FCC to work with industry to identify and secure funding for deployment of wireless EAS); Comments of RCA at 10-11 (arguing that, in the event the FCC mandates wireless EAS, it must allow carriers to provide such alerts for a fee and urging government funding for rural carriers’ costs of providing alerts); Comments of Sprint-Nextel at 10-12 (noting that the FCC must recognize that expenditures on wireless EAS affect other capital expenditures, and citing as a positive example the WPS model, which was built on competitive bidding and government funding).

<sup>40</sup> Comments of USA Mobility at 10-11.

<sup>41</sup> *See, e.g.*, Comments of BellSouth at 2 (in the context of multichannel video providers, urging the FCC to consider costs and benefits before mandating any new requirements); Comments of The State Associations at 10 (arguing that the government should absorb the cost of upgrades to increase the reliability of EAS).

<sup>42</sup> *See, e.g.*, Comments of T-Mobile at 24; Comments of Cingular at 12.

carriers should receive protection from potential liability arising out of their participation in EAS.<sup>43</sup>

### **CONCLUSION**

Wireless participation in EAS must remain voluntary. Industry and the government should work together to develop the required technologies and refine the role wireless should play, and the Commission should adopt rules aimed at supporting and facilitating wireless EAS participation. In particular, the Commission must ensure that wireless carriers have liability protection, and that the costs of providing critical alerts are fairly borne and adequately compensated.

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<sup>43</sup> Comments of T-Mobile at 24; Comments of Cingular at 12; Comments of CTIA at 8; Comments of Sprint Nextel at 8-10; *see also* Comments of Ericsson at 8 (urging the FCC to address “carriers’ legitimate liability concerns”); Comments of Wireless RERC at 6 (noting that liability concerns are an issue for wireless carriers).

Respectfully submitted,

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